

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 2, 2013

Lyle W. Cayce
Clerk

No. 13-10610
Summary Calendar

MITCHELL WAGNER,

Plaintiff-Appellant

v.

GILBERT CAMPUZANO, Regional Director TDCJ, Region VI; EDWARD L. WHEELER, Senior Warden; RICHARD G. LEAL, Assistant Warden,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:12-CV-205

Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Mitchell Wagner, Texas prisoner # 1543049, appeals the denial of his motion for a temporary restraining order (TRO) and preliminary injunction in a 42 U.S.C. § 1983 proceeding.

We lack jurisdiction to decide moot questions or issues that cannot affect the rights of the parties to the appeal. *McRae v. Hogan*, 576 F.2d 615, 617 (5th

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Cir. 1978). The denial of a TRO is not appealable in light of the likelihood of mootness. *In re Lieb*, 915 F.2d 180, 183 (5th Cir. 1990). The denial of a preliminary injunction is appealable as an exception to the final-judgment rule. 28 U.S.C. § 1292(a)(1); *Lakedreams v. Taylor*, 932 F.2d 1103, 1107 (5th Cir. 1991). However, during the pendency of Wagner's appeal, the district court entered a final judgment dismissing Wagner's § 1983 complaint, which contained a request for permanent injunctive relief. The entry of a final judgment regarding permanent injunctive relief renders any order regarding preliminary injunctive relief moot. *See Louisiana World Exposition, Inc. v. Logue*, 746 F.2d 1033, 1038 (5th Cir. 1984). Accordingly, the instant appeal, which challenges only the denial of preliminary injunctive relief, is dismissed for lack of jurisdiction as moot.

APPEAL DISMISSED.